

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ANTONIO ONOFRE, for himself and on
behalf of those similarly situated,

Plaintiff,

v.

Case No. 8:21-cv-311-TPB-TGW

HIGGINS AG, LLC,
MARIANNE HIGGINS, and
BRENT M. HIGGINS, individually,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Thomas G. Wilson, United States Magistrate Judge, entered on December 29, 2021. (Doc. 17). Judge Wilson recommends that “Plaintiff’s Motion for Default Judgment Against All Defendants” (Doc. 16) be granted, and that default judgment be entered in favor of Plaintiff, and against Defendants, in the total amount of \$39,651.60, plus post-judgment interest calculated at the statutory rate. No party has filed an objection, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court

must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Wilson’s report and recommendation, the Court adopts the report and recommendation. Consequently, Plaintiff’s motion for default judgment is granted.

Accordingly, it is

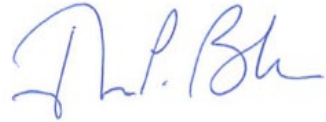
ORDERED, ADJUDGED, and DECREED:

- (1) Judge Wilson’s report and recommendation (Doc. 17) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) “Plaintiff’s Motion for Default Judgment Against All Defendants” (Doc. 16) is hereby **GRANTED**. Plaintiff is to be awarded damages totaling \$39,651.60,¹ plus post-judgment interest calculated at the statutory rate.
- (3) The Clerk is **DIRECTED** to enter final default judgment in favor of Plaintiff Antonio Onofre, and against Defendants Higgins AG, LLC, Marianne Higgins and Brent M. Higgins, in accordance with this Order.

¹ The damages consist of \$15,515.50 in unpaid overtime wages, \$684.80 in unpaid minimum wages, \$16,200.30 in liquidated damages, \$727.00 in costs, and \$6,524.00 in attorney’s fees.

- (4) After entering judgment, the Clerk is directed to terminate any deadlines and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 14th day of January, 2022.

A handwritten signature in blue ink, appearing to read "T. P. Barber", is positioned above a horizontal line.

TOM BARBER
UNITED STATES DISTRICT JUDGE